

3870 HOEFT

Name Franklin Hoeft

3870

DESCRIPTION OF WATER RIGHT

By _____

Address Rt. 2 Box 108Pendleton, OR 97801Change in POU (Pri. Exch.) & PODDate filed Jan. 20, 1978Date of hearing July 25, 1978Place of hearing PendletonOrder Amending May 30, 1979 Vol. 32 page 167Date of order 10-5-78 Vol. 31, page 288Date for application of water Completed

Proof mailed _____

Proof received _____

Certificate issued AUG 15 1986 Vol. 50, page 54768Notation made on record by 9735 RRName of stream Birch Creek **DVA Notification**Trib. of _____ County of UmatillaUse Irr.

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1908In name of Louis MaleUmatilla Riv. Adjudication, Vol. 3, page 211App. No. _____ Per. No. _____ Cert. No. 2579, Vol. 3

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
1-20-78	# 30-	774
2-10-78	# 75-	1061
TOTAL . . .		
6-23-78	2 Cert. Fee	Trng fr 774
East Oregonian	46 44	pd 6/23/78 ck # 2400

FEES REFUNDED

Date	Amount	Check No.
6-23-78	# 11 56	2399
Ex	20	
POU	10	
POD	15	
Cert	2	
1	47-	
PON	46 44	
	93 44	

REMARKS

Exchange of rights - See also T-3882

INDEX CARDS: Entered Amending Order Checked

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Stream	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Pt. of Div.	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Calendar	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Decree-vault	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Decree-safe	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Cert. of W/R	<u>lg</u>	<u>lg</u>
<input type="checkbox"/>	Per. Folder		
<input type="checkbox"/>	Chainindex		
<input type="checkbox"/>	Cross Ref.		
<input type="checkbox"/>	Power Claim		
<input checked="" type="checkbox"/>	Abstracts	<u>lg</u>	<u>lg</u>

check status of Tr 3160 prior to issuance of R. R. Cert.

STATE OF OREGON

WATER DIVISION No. 2 COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That LOUIS MALE (For Geo. Male)
of Pilot Rock State of Oregon has a right to the use of
the waters of BIRCH Creek, a tributary of the Umatilla River,

for the purpose of the irrigation of ~~115~~⁶⁴ acres of land, domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the ~~STATE WATER BOARD~~ of the State of Oregon, in Volume ~~7~~³ at page 127; that the priority of the right hereby confirmed dates from 1867 for 6 acres and 1908 for ~~109~~⁵⁸ acres

that the amount of water to which such right is entitled and hereby confirmed for the purpose aforesaid, is limited to an amount actually beneficially used for said purpose s, and shall not exceed ~~1.44~~^{0.78-0.81} cubic feet per second, subject to the provisions of paragraph 33 of said decree and all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 5 acres in the Southeast quarter of Southwest quarter and 25 acres in the Southwest quarter of Southeast quarter of Section Twenty-two; 20 acres in the Northwest quarter of Northeast quarter; 20 acres in the Southwest quarter of Northeast quarter; 20 acres in the Northeast quarter of Northwest quarter; 5 acres in the Southeast quarter of Northwest quarter; 5 acres in the Northeast quarter of Southwest quarter; 10 acres in the Northwest quarter of Southeast quarter and 5 acres in the Southwest quarter of Southeast quarter of Section Twenty-Seven, Township One North, Range Thirty-two East of Willamette Meridian, in Umatilla County, Oregon.

T-3870 0.25	5.0 ac SE $\frac{1}{4}$ SW $\frac{1}{4}$	T-3870	T-3948
	25.0 ac SW $\frac{1}{4}$ SE $\frac{1}{4}$		
	Sec. 22		
	10.0 ac NW $\frac{1}{4}$ NE $\frac{1}{4}$	10.0	
	20.0 ac SW $\frac{1}{4}$ NE $\frac{1}{4}$		20.0
	14.0 ac NE $\frac{1}{4}$ NW $\frac{1}{4}$		6.0
	5.0 ac SE $\frac{1}{4}$ NW $\frac{1}{4}$		5.0
	5.0 ac NE $\frac{1}{4}$ SW $\frac{1}{4}$		
	10.0 ac NW $\frac{1}{4}$ SE $\frac{1}{4}$	10.0	
	5.0 ac SW $\frac{1}{4}$ SE $\frac{1}{4}$		
	Sec. 27		
	20.0	3.0	83.0 ac Total

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 2579, Volume 3, State Record of Water Right Certificates, NOT modified by the provisions of ~~any~~ orders of the Water Resources Director entered on Oct 5, 1978, approving transfer application No. 3870 & No. 3948.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

Attest:

R. W. Potter

Secretary

Recorded in State Record of Water Right Certificates, Volume ~~3~~³, page 2579

T3870 T3160

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF FRANKLIN HOEFT FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER _ _)

ORDER AMENDING
ORDER APPROVING
TRANSFER NO. 3870

The Administrative Order of the Water Resources Director dated October 5, 1978, and recorded at pages 288 and 289, Volume 31, Special Order Record, approving water right transfer application No. 3870, in the name of Franklin Hoeft, was in error in paragraph 2 on page 288 in stating the amount of water and the number of acres owned by the applicant to which the water right described by the certificate recorded at page 2579, Volume 3, State Record of Water Right Certificates, is appurtenant. The Order listed an amount of water of not to exceed 0.28 ^{no} cubic foot per second from Birch Creek for the irrigation of 12.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 1 North, Range 32 East, W. M., when, on the basis of an agreement entered into by the applicant's predecessors in interest on May 25, 1951, it should have stated: " an amount of water of not to exceed 0.25 ^{yes} cubic foot per second from Birch Creek for the irrigation of 10.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 1 North, Range 32 East, W. M."

Also, the Order was in error in describing in paragraph 4 on page 288, the number of acres the applicant proposed to irrigate. The Order listed a certain 22.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 27, when it should have listed: " 20.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 27."

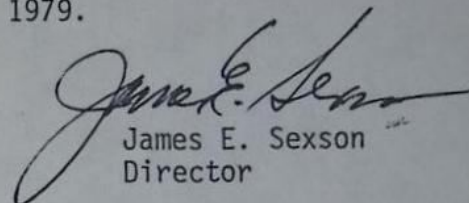
NOW, THEREFORE, it is ORDERED that paragraph 2 on page 288 of the Administrative Order of the Water Resources Director entered October 5, 1978, approving water right transfer application No. 3672, in the name of Franklin Hoeft, be and the same hereby is amended to read:

"The certificate recorded at page 2579, Volume 3, State Record of Water Right Certificates, in the name of Louis Male, describes a right which includes the use of not to exceed 0.25 cubic foot per second from Birch Creek for irrigation of 10.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 1 North, Range 32 East, W. M., with a date of priority of 1908."

It is FURTHER ORDERED that paragraph 4 on said page 288 of said Order be and the same hereby is amended to read:

"The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 20.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 27, from a point of diversion located 1630 feet South and 260 feet West from the North Quarter Corner of Section 27, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 1 North, Range 32 East, W. M."

Dated at Salem, Oregon, this 30th day of May, 1979.


James E. Sexson
Director

IN THE _____ COURT OF THE
STATE OF OREGON FOR UMATILLA COUNTY

AFFIDAVIT OF
PUBLICATION OF

Equity } No. _____
Law }

STATE OF OREGON, } ss
County of Umatilla

I, Beverly Krosting, being first duly
sworn, depose and say that I am the principal clerk of the publisher of the East
Oregonian, a newspaper of general circulation, as defined by ORS 193.010
and 193.020; printed and published at Pendleton in the aforesaid county and
state; that the EO-776 Notice of water right transfer applications
#3870 & # 3948

a printed copy of which is hereto annexed, was published in the entire issue
of said newspaper for 3 successive and consecutive ~~insertions~~ in
the following issues:

May 31 & June 7th & 14th, 1978

Beverly Krosting

Subscribed and sworn to before me this 15th day of

June, 1978

Patricia A. Carpenter

Notary Public of Oregon

MY COMMISSION EXPIRES
SEPT. 8, 1980

EO-776
NOTICE OF WATER
RIGHT TRANSFER
APPLICATIONS NO. 3870 & 3948
Notice is given hereby that ap-
plications have been filed in the of-
fice of the Water Resources Direc-
tor by Franklin Hoeft for approval
of changes in place of use and
point of diversion from Birch
Creek, pursuant to the provisions
of ORS 540.510 to 540.530.
The certificate recorded at page
2579, Volume 3, State record of
Water Right Certificates, in the
name of Louis Male, describes a
right which includes the use of not
to exceed 0.66 cubic foot per se-
cond from Birch Cr for irrigation
of 12.0 ac in NW1/4 NE1/4, 20.0 ac in
SW1/4 NE1/4, 6.0 ac in NE1/4 NW1/4,
5.0 ac in SE1/4 NW1/4 & 10.0 ac in
NW1/4 SE1/4 of Sec 27, T 1N, R 32E,
WM, with a date of priority of 1908.
Water for the said right is
diverted from a point located 50 ft
N & 475 ft E from the S1/4 Corner of
Sec 27, being within the SW1/4 SE1/4
of Sec 27, T 1N, R 32E, WM.
By transfer No. 3870, the appli-
cant herein, owner of the lands
above described, proposes to
change the place of use of water
from said 12.0 ac in NW1/4 NE1/4 &
10.0 ac in NW1/4 SE1/4 of Sec 27 and,
without loss of priority, to irrigate
in Lieu thereof a certain 22.0 ac in
SE1/4 NW1/4 of said Sec 27. The ap-
plicant herein also proposes to
change from the above described
point of diversion, without loss of
priority, to divert water for irriga-
tion of said 22.0 ac in SE1/4 NW1/4
of Sec 27 from a point of diversion
located 1630 ft S & 260 ft W from
the N1/4 Corner of said Sec 27, be-
ing within the SE1/4 NW1/4 of Sec
27.
By transfer No. 3948, the appli-
cant herein proposes to establish
an additional point of diversion for
the irrigation of said 20.0 ac in
SW1/4 NE1/4, 6.0 ac in NE1/4 NW1/4 &
5.0 ac in SE1/4 NW1/4 of said Sec 27,
without loss of priority, at the
point located 1630 ft S & 260 ft W
from the N1/4 Corner of said Sec 27,
being within the SE1/4 NW1/4 of Sec
27.
All persons interested are noti-
fied hereby that a hearing will be
held at the county courthouse at
Pendleton, Oregon, on July 25,
1978, at 9:30 a.m. All objections to
the proposed change, if any there
are, will be heard at said time and
place. Any and all objections shall
be prepared in writing: one copy
to be served on Franklin Hoeft, Rt
2, Box 108, Pendleton, OR 97801;
and one copy filed with the Water
Resources Department, Salem,
OR 97310, together with a \$10 filing
fee, at least 10 days prior to the
date set for hearing. IF NO
OBJECTIONS ARE FILED, THE
APPLICATION MAY BE AP-
PROVED BY THE WATER RE-
SOURCE DIRECTOR WITHOUT
A HEARING. Administrative
rules pertaining to the filing of a
protest will be furnished by the
Water Resources Department
upon request.
Dated at Salem, Oregon this 24th
day of May, 1978.
James E. Sexson
Director
May 31, June 7, 14, 1978